

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney (797-1101)
Prepared by: Bradley Swing, Planner II

SUBJECT: Application LA(TXT) 03-08A, Amendment to the Future Land Use Element (FLUE) Text of the Comprehensive Plan

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA(TXT) 03-08A AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT TO DELETE THE "EMPLOYMENT CENTER" LAND USE CATEGORY AND TO ESTABLISH EMPLOYMENT CENTER LAND USES TO INCLUDE AN "EMPLOYMENT CENTER-LOW" LAND USE CATEGORY AND PERMITTED USES AND AN "EMPLOYMENT CENTER-HIGH" LAND USE CATEGORY AND PERMITTED USES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The ordinance before Town Council this evening is based on a need to establish Employment Center land uses which include "Employment Center-Low" and "Employment Center-High" land use categories. The provision for "Employment Center-Low" and "Employment Center-High" land use categories in the Town of Davie Comprehensive Plan will be in concert with the Broward County Land Use Plan. Broward County adopted the revised Employment Center-Low and Employment Center-High land use categories on June 22, 1999. Staff is proposing language to amend the text of the Future Land Use Element of the Comprehensive Plan to delete the "Employment Center" land use category and to establish an "Employment Center-Low" land use category and an "Employment Center-High" land use category.

The new "Employment Center-Low" land use category would permit low intensity light fabrication and assembly and research businesses, including research laboratory uses. This category is designed to be compatible with surrounding residential or other less intensive land uses. The new "Employment Center-Low" category would not allow light manufacturing as a permitted use.

The new "Employment Center-High" category would allow light manufacturing uses in addition to all of the uses allowed in "Employment Center-Low". In the "Employment Center-High" category a company could engage in the manufacture of finished products, including processing, fabrication, assembly, packaging, storage, and distribution while in the "Employment Center-Low" category a company could only manufacture products from

distinct components without the chemical mating or joining of individual parts allowed in light manufacturing.

The proposed amendment to the Future Land Use Element text is Exhibit "A" to the attached ordinance. First reading to approve transmittal of the ordinance will occur on October 1, 2003. Second reading of the ordinance will occur at a later date subsequent to review by the Florida Department of Community Affairs.

PREVIOUS ACTIONS: None.

CONCURRENCES: The Local Planning Agency (LPA) voted at the September 24, 2003 meeting to approve the application (motion carried 5-0) with the condition to delete the fabrication and assembly, hotels, motels, and similar lodging, and the storage uses from the Employment Center - Low Land Use category.

FISCAL IMPACT: n/a

RECOMMENDATION(S): Staff recommends approval of the ordinance.

Attachment(s): Ordinance and Text language

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA(TXT) 03-08A AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT TO DELETE THE "EMPLOYMENT CENTER" LAND USE CATEGORY AND TO ESTABLISH EMPLOYMENT CENTER LAND USES TO INCLUDE AN "EMPLOYMENT CENTER-LOW" LAND USE CATEGORY AND PERMITTED USES AND AN "EMPLOYMENT CENTER-HIGH" LAND USE CATEGORY AND PERMITTED USES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Future Land Use Element of the Comprehensive Plan to establish new Employment Center land uses; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing duly advertised as required by State Statutes on September 24, 2003; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by State Statutes on September 17, 2003, October 1, 2003 and on the date of adoption of this Ordinance; and

WHEREAS, the Town Council of the Town of Davie desires to transmit the Town's Comprehensive Plan Amendment provided herein to the State of Florida Department of Community Affairs (DCA) for their review and consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That the Future Land Use Element text of the Comprehensive Plan heretofore adopted by the Town Council be and the same is hereby amended according to Exhibit "A", attached hereto and made a part thereof.

SECTION 2. The Town Council hereby authorizes the appropriate Town officials to submit the appropriate number of copies of this ordinance and the Town's Comprehensive Plan, as amended herein, to the State of Florida Department of Community Affairs and to any

other governmental agency having jurisdiction with regard to the approval of same in accordance with and pursuant to Chapter 163, Florida Statutes.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, F.S.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2003

PASSED ON SECOND READING THIS ____ DAY OF _____, 2003

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003

EXHIBIT "A"

EMPLOYMENT CENTER LAND USES USE CATEGORY

~~The purpose of the Employment Center category is to encourage non-residential development, compatible with residential and other less intensive land uses, and which would support the tourist-oriented segment of the economy as well as high technology and service-based activities.~~

~~The permitted uses of the Employment Center category include the following:~~

Employment Center uses are designated to encourage types of development which may be compatible with residential and other less intensive land uses, and which would support high technology and service-based activities as well as the tourist-oriented segment of the Town's economy. This type of category is further refined into "Employment Center-Low" and "Employment Center-High." The "Employment Center-Low" category does not allow manufacturing uses and is designed to be inherently compatible with residential uses. The "Employment Center-High" category will allow light manufacturing uses.

A. Employment Center-Low

1. Principal Uses:

- a. ~~light manufacturing~~ office uses
- b. ~~office uses~~ research businesses, including medical and research laboratories
- c. ~~research~~ fabrication and assembly
- d. hotels, motels, and similar lodging
- e. restaurants and personal services
- f. community facilities
- g. communication facilities
- h. non-residential agricultural uses
- i. Residential uses are permitted without the need to amend the local land use plan map, provided that the local government entity applies flexibility or reserve units to the parcel in the following manner:
 - (1) For parcels 5 acres in size or less, free standing multi-family residential uses are permitted subject to a Broward County compatibility determination; within areas designated on the County Land Use Plan as Urban Infill, Urban Redevelopment or

Downtown Revitalization Areas, free standing multi-family residential uses are permitted on parcels 10 acres in size or less.

- (2) For mixed use developments greater than 5 acres in size (or 10 acres within areas designated on the County Plan as Urban Redevelopment or Downtown Revitalization Areas), freestanding multi-family residential uses are permitted provided that the gross residential acreage does not exceed 5 acres (10 acres within areas designated on the County Plan as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas or 40% of the total gross acreage the employment center designated parcel, whichever is greater, and that the entire mixed use development be governed by specific zoning regulations that establish criteria to ensure proper integration and compatibility of land uses within and surrounding the development. Use of "flexibility" provisions may be subject to a Broward County compatibility determination, ~~as discussed under "Residential Density," paragraph "g" of this Plan Implementation Section.~~

2. Accessory Uses (Limited to less than fifty percent [50%] of the site):
 - a. transportation and utilities, ~~provided such uses do not preclude or adversely affect the future use of the surrounding area for employment center purposes~~
 - b. storage
 - c. retail within buildings devoted to principal uses
 - d. recreation and open space uses
3. Commercial and retail business uses may also be permitted ~~by assignment of "commercial flexibility" with the requirement for a Broward County compatibility determination consistent with paragraph "g" under "Residential Density" of this Plan Implementation Section~~ if certified by the Broward County Planning Council in the local land use plan, subject to the review and approval requirements of Policy 13.01.10 of the Broward County Land Use Plan; and As long as the total area of these uses does not consume more than 20 percent of the employment center land designated on the Future Broward County Land Use Plan

Map (Series) within a flexibility zone, as long as the location of these uses do not preclude or adversely affect the future use of surrounding areas for employment center use.

B. Employment Center-High

1. Principal Uses:

- a. light manufacturing, fabrication and assembly
- b. office uses
- c. research businesses, including medical and research laboratories
- d. hotels, motels and similar lodging
- e. restaurants and personal services
- f. community facilities
- g. communication facilities
- h. non-residential agricultural uses
- i. Residential uses are permitted without the need to amend the local land use plan map, provided that the local government applies flexibility or reserve units to the parcel in the following manner:
 - (1) For parcels 5 acres in size or less, free standing multifamily residential uses are permitted; within areas designated on the County Land Use Plan as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas, free standing multi-family residential uses are permitted on parcels 10 acres in size or less.
 - (2) For mixed use developments greater than 5 acres in size (or 10 acres within areas designated on the County Plan as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas) free-standing multi-family residential uses are permitted provided that the gross residential acreage does not exceed 5 acres (10 acres within areas designated on the County Plan as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas) or 40% of the total gross acreage of the employment center designated parcel, whichever is greater, and that the entire mixed use development be governed by specific zoning regulations that establish criteria to ensure proper

integration and compatibility of land uses within and surrounding the development.

2. Accessory Uses (Limited to less than fifty percent (50%) of the site):

- a. transportation and utilities
- b. storage
- c. retail within buildings devoted to principal uses
- d. recreation and open space uses

3. Commercial and retail business uses may also be permitted if certified by the Broward County Planning Council in the local land use plan, subject to the review and approval requirements of Policy 13.01.10 of the Broward County Land Use Plan and as long as the total area of these uses does not consume more than 20 percent of the employment center land designated on the Future Broward County Land Use Plan Map (Series) within a flexibility zone, as long as the location of these uses do not preclude or adversely affect the future use of surrounding areas for employment center use.